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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,534	03/13/2001	Brian M. Siegel	SONY 3.0-026	2120

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/805,534

Applicant(s)
Siegel et al

Examiner
Etienne P LeRoux

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2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 13, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 3 6) ☐ Other:

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DETAILED ACTION

Specification Objection

1. The disclosure is objected to because of omission of the following:
 - (a) Background of the Invention.
 1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "retrieving the identity of the second vendor." There is insufficient antecedent basis for the second vendor.

Claim 13 recites "retrieving the identity of the first." It is difficult to determine what applicant is claiming.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by USPAT

5,913,210 to Call (hereafter Pat '210).

Regarding claims 1, 12, and 15, Pat '210 discloses:

UPC
associating a first code with a first characteristic of a product [col 8, lines 43-53]
URL of home page of product
associating a second code with a second characteristic of the same product [col 8, lines 43-53] product home page
storing a first characteristic value associated with the first characteristic [col 9, lines 20-24],
storing a second characteristic value associated with the second characteristic [col 8, lines 48-53]
manufacturer
associating the identity of a first entity with at least one of the codes [col 9, lines 36-38],
dynamically writing a product data file
changing at least one of the characteristic values [col 9, lines 20-35],
retrieving the identity of the first entity based on the association with the code associated with the
characteristic with the changed value [col 9, lines 1-19]
X sending the changed value to the first entity [col 9, lines 36-56]
a processor [searchable databases, abstract]

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Regarding claim 2, Pat '210 discloses retrieving the identity of the second vendor based on the code associated with the characteristic having the changed value and sending the changed value to the second entity [col 10, lines 32-45]

Regarding claim 3, Pat '210 discloses the first entity automatically receives changes upon retrieving the identity of the first vendor col 10, lines 46-50]

Regarding claim 4 and 14, Pat '210 discloses sending the changed value by e-mail [col 4, lines 44-52 and col 7, lines 7-10].

Regarding claim 5, Pat '210 discloses retrieving the electronic address of the first entity [col 4, lines 10-26]

Regarding claim 6, Pat '210 discloses:
providing product data [col 2, lines 15-23]
providing destination data [col 2, lines 15-23]
changing product data [col 9, lines 20-30]
creating a first entity based on the product data, the destination data [col 10, lines 1-45]
transmitting the modified information [col 8, line 66 through col 9, line 19]

Regarding claims 7 and 11, Pat '210 discloses transmitting information between computers over a network [col 10, line 1 and col 2, line 19]

Regarding claims 8 and 11, Pat '210 discloses the Internet [col 2, lines 19, 29]

Regarding claims 9 and 18, Pat '210 discloses a service [col 2, lines 33-47]

Regarding claim 10, Pat '210 discloses:

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a server [abstract]

server accesses product codes [col 2, lines 27-33]

server accesses values representative of a characteristic [col 4, line 20]

server accesses destination addresses [col 4, lines 15 - 26]

processor for executing instructions [col 3, lines 47-60]

Regarding claim 13, Pat '210 discloses updating a value [col 9, lines 20-25]

automatically receiving changes [col 10, lines 37-45], retrieving the identity [col 7, lines 7-10]

Regarding claim 16, Pat '210 discloses one or more servers [abstract]

Regarding claim 17, Pat '210 discloses a seller [Fig 1, 107, 103], a buyer [Fig 1, 107, 109]

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

1. USPAT 6,243,717 issued to Gordon et al titled System and Method for Implementing Revision Management of Linked Data Entities and User Dependent Terminology discloses automatic revision management
2. USPAT 6,154,738 issued to Call titled Methods and Apparatus for Disseminating Product Information via the Internet using Universal Product Codes discloses disseminating product information over the Internet

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3. USPAT 5,361,871 issued to Gupta et al titled Product Information System for Shoppers discloses apparatus and method of receiving product information at a remote unit

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

March 5, 2003



SAFET METJAHIC
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